

From: Marc Tramonte
To: Microsoft ATR
Date: 1/25/02 4:24pm
Subject: Microsoft Settlement

Microsoft has worked for 25 years to secure a strong but hardly invulnerable position in the computer industry. As long as Apple, Linux, Solaris X86, FreeBSD, dedicated computing devices, and other options exist - by free choice and to anyone as it is today - the very notion of "monopoly" here is fundamentally flawed.

Even if we accept the spectacularly narrow market definition crafted for this case, and accept that Microsoft dominates it, the range of substitute platforms and products and the lightning-fast pace of change in the industry render it meaningless. Windows is a proprietary product, by one company, that took 10 years of hard work to perfect - not an essential service or raw material of finite supply that can be monopolized.

The subtext of the entire case seemed to be "new entrants deserve to win." I disagree. Let them work for 25 years and suffer the slings and arrows if need be, and accomplish their own success the old-fashioned way: Please millions of customers. Fight for it. Earn it. Like Microsoft did. It's hard, but there is precedent.

With all that said, the settlement is a fair compromise given the harsh realities of the situation, and I fully support its acceptance.

I hope the judge does okay it and finally puts this case to rest.